

Fill in this information to identify the case:

Debtor 1 Tony D. Smith

Debtor 2 Debra L. Smith; fka Debra L. Fink
(Spouse, if filing)

United States Bankruptcy Court for the: Southern District of Indiana
(State)

Case number 16-90221-AKM-13

Form 4100R

Response to Notice of Final Cure Payment

10/15

According to Bankruptcy Rule 3002.1(g), the creditor responds to the trustee's notice of final cure payment.

Part 1: Mortgage Information

Name of creditor: US Bank Trust National Association
as Trustee of Cabana Series III Trust

Court claim no. (if known):
11-1

Last 4 digits of any number you use to identify the debtor's account: 4 5 9 4

Property address: 106 W. High Street
Number Street

Scottsburg IN 47170
City State ZIP Code

Part 2: Prepetition Default Payments

Check one:

- ☒ Creditor agrees that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim.
- ☐ Creditor disagrees that the debtor(s) have paid in full the amount required to cure the prepetition default on the creditor's claim. Creditor asserts that the total prepetition amount remaining unpaid as of the date of this response is: \$ _____

Part 3: Postpetition Mortgage Payment

Check one:

- ☒ Creditor states that the debtor(s) are current with all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

The next postpetition payment from the debtor(s) is due on: 04 01 2021
MM / DD / YYYY

- ☐ Creditor states that the debtor(s) are not current on all postpetition payments consistent with § 1322(b)(5) of the Bankruptcy Code, including all fees, charges, expenses, escrow, and costs.

Creditor asserts that the total amount remaining unpaid as of the date of this response is:

- a. Total postpetition ongoing payments due: (a) \$ _____
- b. Total fees, charges, expenses, escrow, and costs outstanding: + (b) \$ _____
- c. **Total.** Add lines a and b. (c) \$ _____

Creditor asserts that the debtor(s) are contractually obligated for the postpetition payment(s) that first became due on:

MM / DD / YYYY

Debtor 1 Tony D. Smith
First Name Middle Name Last Name

Case number (if known) 16-90221-AKM-13

Part 4: Itemized Payment History

If the creditor disagrees in Part 2 that the prepetition arrearage has been paid in full or states in Part 3 that the debtor(s) are not current with all postpetition payments, including all fees, charges, expenses, escrow, and costs, the creditor must attach an itemized payment history disclosing the following amounts from the date of the bankruptcy filing through the date of this response:

- ☐ all payments received;
- ☐ all fees, costs, escrow, and expenses assessed to the mortgage; and
- ☐ all amounts the creditor contends remain unpaid.

Part 5: Sign Here

The person completing this response must sign it. The response must be filed as a supplement to the creditor's proof of claim.

Check the appropriate box::

- ☐ I am the creditor.
- ☒ I am the creditor's authorized agent.

I declare under penalty of perjury that the information provided in this response is true and correct to the best of my knowledge, information, and reasonable belief.

Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this response applies.

X /s/ Molly Slutsky Simons
Signature

Date 5 / 20 / 2021

Print Molly Slutsky Simons
First Name Middle Name Last Name

Title Attorney for Creditor

Company Sottile and Barile, Attorneys at Law

If different from the notice address listed on the proof of claim to which this response applies:

Address 394 Wards Corner Road, Suite 180
Number Street

Loveland OH 45140
City State ZIP Code

Contact phone (513) 444 - 4100

Email bankruptcy@sottileandbarile.com



FOR INTERNAL INFORMATIONAL PURPOSES ONLY! THIS QUOTE IS INTENDED FOR USE BY FORECLOSURE AND/OR BANKRUPTCY AND LOCAL COUNSEL, AND IS NOT TO BE PROVIDED TO THIRD PARTIES. TO OBTAIN A PAYOFF QUOTE TO BE USED BY BORROWER OR THEIR AUTHORIZED THIRD PARTY, PLEASE CALL BSI TO ORDER A VALID PAYOFF QUOTE.

May 19, 2021

TONY D SMITH
106 W HIGH ST
SCOTTSBURG IN 47170

RE: PAYOFF STATEMENT
MORTGAGE LOAN #: [REDACTED]
PROPERTY ADDRESS: 106 W HIGH ST
SCOTTSBURG IN 47170

Thank you for your inquiry regarding a payoff for this mortgage loan.

The total amount required to pay the loan in full is broken down for you in the payoff calculation on page 2 and is good up to, but not including, **05/14/21**. The total amount to pay your loan in full as of **05/14/21** is **\$51,087.94**.

Below are loan level details, along with wiring instructions, for paying off your loan.

Current Due Date	04/01/21
Maturity Date	08/2032
Regular Interest Per Diem If Paid After 3:30 on 05/14/21	\$ 12.19
Default Interest Per Diem If Paid After 3:30 on 05/14/21	\$0.00

The total amount required to pay the loan in full is broken down for you in the payoff calculation below and is good through **05/14/21**. Please call us if you have any questions.

The amount owed may change between the date of this letter and the date that the loan is paid off. The next payment on this loan is due **April 1, 2021**. The scheduled payment is **\$644.90**, which includes a Principal and Interest Payment of **\$579.93** and an Escrow Payment of **\$64.97**. Additionally, payoff figures will be adjusted if any check or money order previously received is rejected by the institution upon which it is drawn. ACH cancellations must be processed at least three (3) business days in advance of a scheduled draw. If payoff funds are received fewer than three (3) business days prior to a scheduled draw, the ACH payment will be drafted, but all amounts in excess of a complete payoff will be refunded upon processing of the payoff funds.

Please submit your payoff via **certified funds or wire transfers (found on page 2)** to **BSI FINANCIAL SERVICES**. **CERTIFIED FUNDS OR WIRE TRANSFERS MUST BE RECEIVED BY OUR OFFICE BY 3:30 P.M. (ET) ON A NORMAL BUSINESS DAY (MONDAY THROUGH FRIDAY) TO BE CREDITED THAT DAY.**



Wire instructions are as follows:

Bank: Texas Capital Bank
 Beneficiary: BSI Payment in Process Clearing Account
 2000 McKinney Ave, Suite 700
 Dallas, TX 75201
 ABA: [REDACTED]
 Account Number: [REDACTED]
 Final Credit To: **Payments/Cashiering**
 Reference Information: Loan Number, Borrower Name and Property address

Mail Certified Funds to:

BSI FINANCIAL SERVICES
 314 S. FRANKLIN STREET/P.O. BOX 517
 TITUSVILLE, PA 16354
ATTN: CASHIERING

Failure to include the above information on the wire advice may cause a delay in posting the funds. BSI will not be responsible for any additional interest or fees that may be assessed as a result of incomplete or incorrect wire information. Wire transactions that are received and cannot be identified will be returned to the ABA and account number from which they were received. If you have any questions regarding the wire instructions listed here, **contact our office at 1-800-327-7861.**

If your loan is in default, foreclosure activity, including any sale of the property, will continue until the loan is paid in full.

UNMODIFIED UNPAID PRINCIPAL BALANCE	\$50,139.39
DEFERRED AMOUNT, IF APPLICABLE	\$ 0.00
ESCROW BALANCE (TAXES AND INSURANCE)*	\$ 0.00
PRIVATE MORTGAGE INSURANCE (PMI)**	\$ 0.00
INTEREST TO 05/14/21	\$ 889.63
PREPAYMENT PENALTY	\$ 0.00
UNPAID LATE CHARGE	\$ 0.00
UNAPPLIED FUNDS	\$ 0.00
UNAPPLIED FUNDS	-\$ 185.08
UNAPPLIED FUNDS	\$ 0.00
UNAPPLIED FUNDS	\$ 0.00
UNPAID FEES	\$ 244.00
LIEN RELEASE PREPARATION FEE (PASS-THROUGH BY A THIRD PARTY)	\$ 0.00
LIEN RELEASE RECORDING FEE (PAID TO RECORDING OFFICE)	\$ 0.00
PAYOFF STATEMENT	\$ 0.00
TOTAL AMOUNT TO PAY LOAN IN FULL ON 05/14/21	\$51,087.94



- PLEASE NOTE, THE PAYOFF TOTAL MAY CHANGE BETWEEN THE DATE OF THIS QUOTE AND THE DATE FUNDS ARE RECEIVED. IF, AT THE TIME WHEN FUNDS ARE RECEIVED, IT IS DETERMINED THAT THEY ARE SHORT, THE APPROPRIATE INDIVIDUAL'S WILL BE NOTIFIED OF THE SHORTAGE. FUNDS MAY BE REJECTED IF TO BE DETERMINED SHORT, AND WILL NOT BE APPLIED UNTIL THE SHORTAGE IS SENT TO SATISFY THE TOTAL DEBT OF THE LOAN.
- THE ESCROW BALANCE MAY INCLUDE ESCROW ITEMS WITH A DUE DATE WITHIN THE NEXT SIXTY (60) DAYS. THESE ITEMS ARE PAID BETWEEN FIFTEEN (15) AND SIXTY (60) DAYS IN ADVANCE OF THE DUE DATE IN ORDER TO COMPLY WITH REGULATORY REQUIREMENTS AND DISCOUNT DEADLINES. THE AMOUNTS FACTORED IN THIS STATEMENT ARE PROJECTED AMOUNTS BASED ON THE PRIOR YEAR OR LAST AMOUNT PAID, AND THE PAYMENT MADE MAY DIFFER BASED ON THE BILL RECEIVED FROM THE INSURANCE COMPANY AND/OR TAXING AUTHORITY. SHOULD THE AMOUNT DIFFER SUCH THAT YOUR PAYOFF AMOUNT INCREASES, YOU WILL BE NOTIFIED. SHOULD THE AMOUNT DECREASE, YOU WILL RECEIVE A REFUND WITHIN THIRTY (30) DAYS OF THE PAYOFF OF YOUR LOAN.
- ISSUANCE OF THIS STATEMENT DOES NOT SUSPEND YOUR CONTRACTUAL REQUIREMENT TO MAKE THE MORTGAGE PAYMENTS WHEN THEY ARE DUE. THIS LOAN MUST BE KEPT CURRENT WHILE THIS STATEMENT IS PENDING, OR LATE CHARGES WILL BE ASSESSED.
- A LATE CHARGE OF \$.00 WILL BE ADDED TO THE PAYOFF TOTAL IF RECEIVED AFTER THE EXPIRATION OF YOUR GRACE PERIOD. PLEASE NOTE THAT THIS STATEMENT MAY ALREADY INCLUDE THE REFERENCED LATE CHARGE, WHICH HAS NOT BEEN INCURRED AT THIS TIME, IF THE GOOD-THROUGH DATE LISTED ON THIS STATEMENT FALLS AFTER THE EXPIRATION OF YOUR GRACE PERIOD FOR YOUR NEXT MONTHLY PAYMENT DUE. IF EITHER A FULL CONTRACTUAL MONTHLY PAYMENT OR A FULL PAYOFF OF THE LOAN IS MADE PRIOR TO THE EXPIRATION OF YOUR GRACE PERIOD, THE LATE CHARGE WILL NOT BE ASSESSED AND NEED NOT BE PAID. IF FUNDS RECEIVED INCLUDE THIS LATE CHARGE AND WE DETERMINE THAT IT WAS NOT DUE WHEN YOUR PAYOFF WAS RECEIVED, WE WILL PROMPTLY REFUND THE AMOUNT OF THE LATE CHARGE TO YOU.
- IF YOUR LOAN HAS A CONSTRUCTION OR SIMILAR DRAW FEATURE, RECENT DRAWS MAY NOT YET BE INCLUDED IN THIS PAY-OFF QUOTE. IN SUCH CASE, BSI WILL AMEND THIS PAY-OFF QUOTE TO INCLUDE SUCH DRAW AMOUNT.
- IF YOUR LOAN IS IN DEFAULT, FORECLOSURE ACTIVITY, INCLUDING ANY SALE OF THE PROPERTY, WILL CONTINUE UNTIL THE LOAN IS FULLY REINSTATED OR PAID IN FULL.
- AFTER THE FUNDS HAVE BEEN APPLIED AND THE LOAN SHOWS PAID IN FULL, A LIEN RELEASE OR FULL RECONVEYANCE WILL BE PREPARED AND SENT TO THE COUNTY RECORDER WHERE THE PROPERTY IS LOCATED.
- BENEFICIARY OF RECORD: US BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF CABANA SERIES III TRUST
- REPRESENTATIVE/ASSIGNEE/SERVICING AGENT: Servis One, Inc. d/b/a BSI Financial Services

**THESE FIGURES MAY NOT TOTAL CORRECTLY IF THE LOAN HAS PMI. IF THIS LOAN HAS A POSITIVE ESCROW BALANCE AND PMI IS DUE PRIOR TO THE EXPIRATION DATE OF THIS PAYOFF QUOTE, THE PMI AMOUNT IS LISTED FOR YOUR REFERENCE AND PMI PAYMENT WILL BE MADE USING THE POSITIVE ESCROW FUNDS*



AVAILABLE. THIS PMI AMOUNT WILL NOT BE FACTORED INTO THE TOTAL AMOUNT DUE TO PAYOFF THIS LOAN. THE PMI AMOUNT WILL ONLY BE FACTORED INTO THE TOTAL AMOUNT DUE TO PAYOFF THIS LOAN IF THERE ARE INSUFFICIENT FUNDS IN THE ESCROW ACCOUNT TO PAY THE PMI INSTALLMENT. THE TOTAL AMOUNT TO PAY THE LOAN IN FULL IS THE PAYOFF AMOUNT LISTED THROUGH THE DATE PROVIDED.

Sincerely,

BSI Financial Services

Payoff Department

NMLS # 38078; 842052

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

T04_T25-07272017_CA07262017

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

In Re:

Case No. 16-90221-AKM-13

Tony D. Smith
Debra L. Smith
fka Debra L. Fink

Chapter 13

Debtors.

Judge Andrea K. McCord

ADDENDUM TO RESPONSE TO NOTICE OF FINAL CURE PAYMENT

Date last payment received on the mortgage:	2/10/2021
Date next post-petition payment due:	4/1/2021
Amount of the next post-petition payment:	\$ 644.90
Unpaid principal of the loan:	\$ 50,139.39
Additional amounts due for any deferred or accrued interest:	\$ -
Balance of the escrow account:	\$ 221.84
Balance of unapplied funds or funds held in suspense account:	\$ 185.08

Respectfully Submitted,

/s/ Molly Slutsky Simons

Molly Slutsky Simons (OH 0083702)
Sottile & Barile, Attorneys at Law
394 Wards Corner Road, Suite 180
Loveland, OH 45140
Phone: 513.444.4100
Email: bankruptcy@sottileandbarile.com
Attorney for Creditor

CERTIFICATE OF SERVICE

I certify that on May 20, 2021, a copy of the foregoing Response to Notice of Final Cure Payment was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's ECF System. Party/parties may access this filing through the Court's system:

Richard A. Schwartz, Debtors' Counsel
rickaschwartz@gmail.com

Richard A. Schwartz, Debtors' Counsel
rick@ks-laws.com

Joseph M. Black, Chapter 13 Trustee
jmbeef@trustee13.com

Office of the U.S. Trustee
ustpreion10.in.ecf@usdoj.gov

I further certify that on May 20, 2021, a copy of the foregoing Response to Notice of Final Cure Payment was mailed by first-class U.S. Mail, postage prepaid and properly addressed to the following:

Tony D. Smith, Debtor
106 W. High Street
Scottsburg, IN 47170

Debra L. Smith, Debtor
106 W. High Street
Scottsburg, IN 47170

/s/ Molly Slutsky Simons

Molly Slutsky Simons (OH 0083702)
Attorney for Creditor